

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	AMENDED PRELIMINARY
- v. -	:	ORDER OF FORFEITURE AS TO
	:	SPECIFIC PROPERTY/
KAREEM GARCIA,	:	<u>MONEY JUDGMENT</u>
	:	
Defendant.	:	22-CR-274 (PAE)
	:	
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WHEREAS, on or about May 12, 2022, KAREEM GARCIA (the “Defendant”), was charged in a two-count Indictment, 22 Cr. 274 (PAE) (the “Indictment”), with conspiracy to commit Hobbs Act Robbery, in violation of Title 18, United States Code, Section 1951 (Count One); and Hobbs Act Robbery, in violation of Title 18, United States Code, Section 1951 and 2 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about November 17, 2022, the Defendant pled guilty to Count Two of the Indictment;

WHEREAS, on or about November 17, 2022, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Preliminary Order of Forfeiture”) (D.E. 33) imposing a forfeiture money judgment against KAREEM GARCIA (the

“Defendant”) and forfeiting to the United States all right, title, and interest of the Defendant in \$4,537.58 in United States currency (the “Specific Property”);

WHEREAS, the Preliminary Order of Forfeiture contained a clerical error incorrectly describing the Specific Property as \$4,537.58 in United States currency rather than the correct amount of \$4,542.58 in United States currency (the “Correct Specific Property”);

WHEREAS, the Preliminary Order of Forfeiture is to be corrected only as to the Correct Specific Property, and the Preliminary Order of Forfeiture should in all other respects remain unchanged and fully incorporated herein;

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Correct Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Count Two of the Indictment, to which the Defendant pled guilty, all of the Defendant’s right, title and interest in the Correct Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. The Preliminary Order of Forfeiture shall, in all other respects, remain unchanged and in full force and effect.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Amended Preliminary Order of Forfeiture as to Specific Property/Money Judgment is final as to

the Defendant KAREEM GARCIA, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. Upon entry of this Amended Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States Marshals Service, or its designee, is hereby authorized to take possession of the Correct Specific Property and to hold such property in its secure custody and control.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Correct Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Correct Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Correct Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Correct Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).


7. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Correct Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. Upon entry of a Final Order of Forfeiture with respect to the Correct Specific Property, the Correct Specific Property shall be applied towards the satisfaction of the Money Judgment.

9. The Court shall retain jurisdiction to enforce this Amended Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

10. The Clerk of Court is respectfully requested to terminate the motion at Dkt. No. 54.

SO ORDERED:



HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

8/25/2023
DATE